

**AGENDA  
ZONING COMMITTEE  
OF THE SAINT PAUL PLANNING COMMISSION  
Thursday, January 5, 2012 3:30 P.M.  
City Council Chambers, Room #300  
Third Floor City Hall - Saint Paul, Minnesota**

**NOTE:** The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

**APPROVAL OF DECEMBER 22, 2011, ZONING COMMITTEE MINUTES**

**SITE PLAN REVIEW** – List of current applications (Tom Beach, 651-266-9086)

**OLD BUSINESS**

- 1      11-299-652 and 11-308-683   Cityview Apartments Inc.**  
Rezoning from B2 Community Business to T2 Traditional Neighborhood and a Conditional Use Permit for conversion of commercial storefront to residential use.  
743 3<sup>rd</sup> St E, NW corner at Maple  
B2  
Sarah Zorn      651-266-6570
- 2      11-307-389   Marquette Apartments LLC (Western)**  
Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood  
204 Western Ave N, NE corner at Dayton  
RM2  
Kate Reilly      651-266-6618

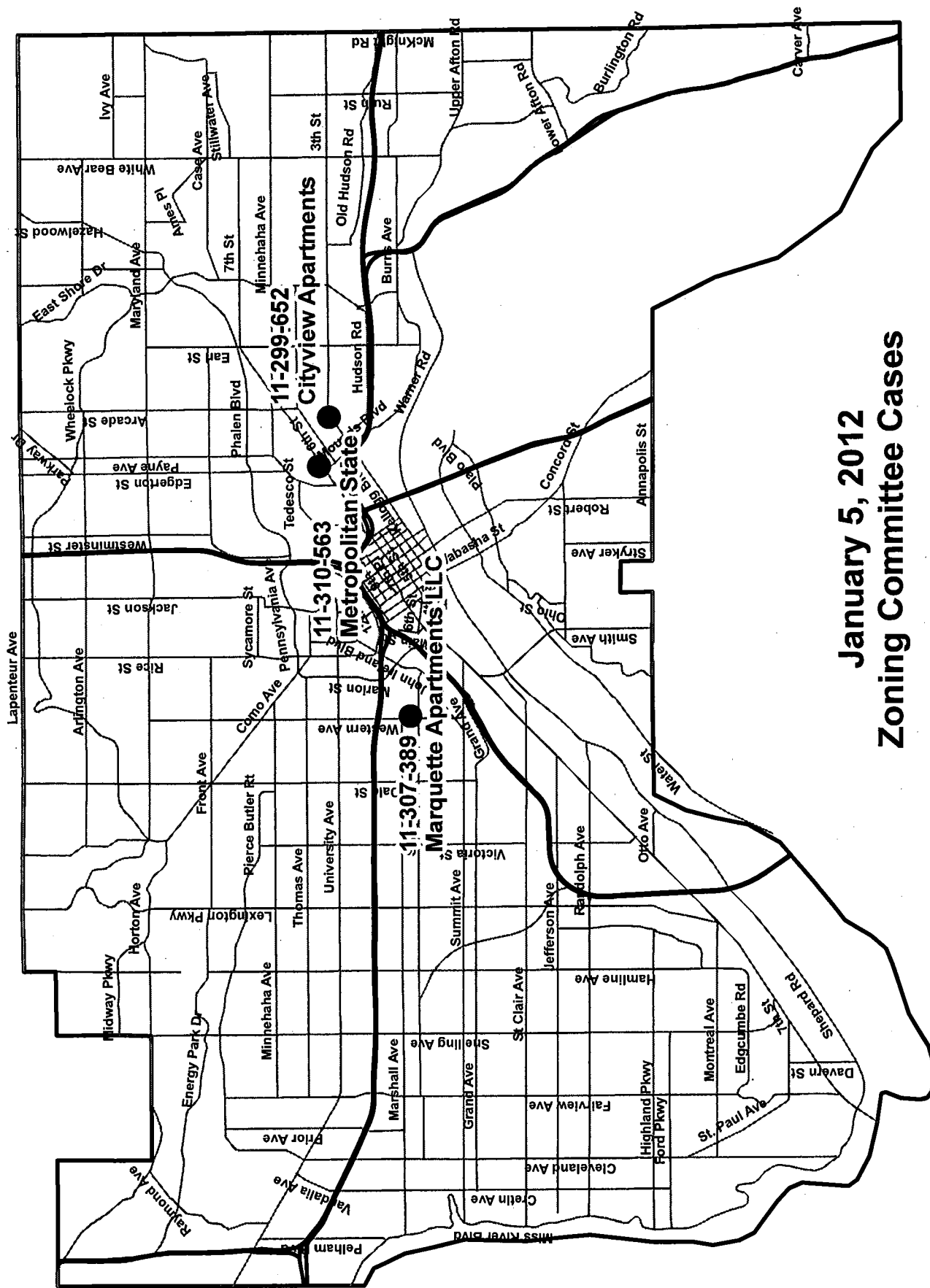
**NEW BUSINESS**

- 3      11-310-568   Metropolitan State University**  
Conditional use permit for a wind turbine on a freestanding pole 104 feet high  
645 7th St E, between Maria and Mounds  
B2  
Kate Reilly      651-266-6618

**ADJOURNMENT**

**ZONING COMMITTEE MEMBERS:** Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

**APPLICANT:** You or your designated representative must attend this meeting to answer any questions that the committee may have.



# January 5, 2012 Zoning Committee Cases

## Zoning Committee Cases

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Cityview Apartments Inc **FILE #** 11-299-652
  2. **APPLICANT:** City View Apartments Inc **HEARING DATE:** December 8, 2011
  3. **TYPE OF APPLICATION:** Rezoning-Council
  4. **LOCATION:** 743 3rd St E, NW corner at Maple
  5. **PIN & LEGAL DESCRIPTION:** 322922140187; Lyman Dayton Addition Ex Alley Nely 3  
50/100 Ft Of Lot 2 And All Of Lot 1 Blk 34
  6. **PLANNING DISTRICT:** 4 **EXISTING ZONING:** B2
  7. **ZONING CODE REFERENCE:** §61.801(b)
  8. **STAFF REPORT DATE:** November 30, 2011 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** November 10, 2011 **60-DAY DEADLINE FOR ACTION:** January 9, 2012
- 

- A. **PURPOSE:** Rezoning from B2 Community Business to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** 36 ft (3<sup>rd</sup> Street E) x 106.5 ft. (Maple) = 3,834 square feet
- C. **EXISTING LAND USE:** Multifamily residential
- D. **SURROUNDING LAND USE:**  
North: Single and Two-family residential (RT1)  
East: Community business (B2) and Traditional Neighborhood 2 (T2)  
West: Single and Two-family residential (RT1)  
South: Auto service station (B2)
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** There is no zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council made no recommendation on this application.
- H. **FINDINGS:**
  1. The property consists of two primary structures. One structure, facing East 3<sup>rd</sup> Street, is a two-story commercial building. The upper level has been used as a residential unit for several years. According to DSI records the lower level has been used as a residential unit within the last few years, which is not a permitted use in the B2 district. The second structure faces Maple Street and is a three-unit residential building.
  2. The applicant has applied to rezone the property from B2 to T2 for the purpose of adding a second residential unit to the first floor of the existing commercial structure.
  3. The proposed zoning is consistent with the way this area has developed. Both 3<sup>rd</sup> and Maple are primarily residential streets with some scattered commercial uses and larger multifamily structures. The T2 district is better suited for this site and the intersection in general, due to its proximity to low density residential uses.
  4. The proposed zoning is consistent with the Comprehensive Plan. The Land Use Chapter's Generalized 2030 Future Land Use map designates 3<sup>rd</sup> Street as a Residential Corridor. The plan encourages the development of medium density multifamily housing along Residential Corridors (LU1.19). The District 4 plan promotes the reuse, instead of demolition, of existing commercial buildings (C3).
  5. The proposed zoning is compatible with the existing commercial and single and multifamily residential uses. The range of uses permitted under the T2 zoning is compatible with varying intensities of commercial and residential uses. Development standards associated with the Traditional Neighborhood districts will ensure that a

pedestrian friendly character, neighborhood scale, and positive commercial/residential interface are maintained.

6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* The proposed T2 zoning is compatible with both surrounding uses and zoning. The area is already characterized by business and traditional neighborhood zoning at intersections that are surrounded by residential zoning. Rezoning will not reduce the value of either the rezoned or surrounding properties for allowed uses. The rezoning would therefore not constitute "spot zoning".

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from B2 Community Business to T2 Traditional Neighborhood.





# PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only  
File # 11-299652  
Fee 1200.00  
Hearing Date 12-8-11

PD=4

# 3229 22 14 0187

## APPLICANT

Property Owner City View Apartments, Inc.  
Address 923 Payne Ave.  
City St. Paul St. MN Zip 55130 Daytime Phone 651-776-6021  
Contact Person (if different) George Trembulak Phone 651-276-9758

## PROPERTY LOCATION

Address / Location 743 E 3rd St.  
Legal Description see attached.  
Current Zoning B2  
(attach additional sheet if necessary)

## TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, City View Apartments, Inc., owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a B2 zoning district to a T2 zoning district, for the purpose of:

CK 11731  
pdd 11-10-11

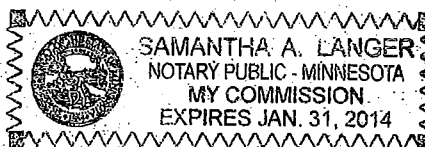
(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

Subscribed and sworn to before me  
this 10th day  
of November, 20 11.

By: George Trembulak  
Fee Owner of Property  
Title: Property Manager

Samantha Langer  
Notary Public



## Request for Continuance

Date 8 December 2011

Richard Kramer, Chair  
Zoning Committee  
City of Saint Paul  
1400 City Hall Annex  
Saint Paul, Minnesota 55102

Re: Zoning File # 11-299-652

Dear Mr. Kramer:

I am the applicant or the applicant's duly appointed representative for this zoning file.

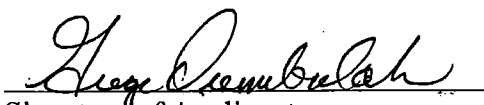
I request a continuance of the public hearing on the application in this zoning file, which is presently scheduled before the Zoning Committee on 8 December 2011.

I understand that a continuance of the public hearing before the Zoning Committee means that the decision of the Planning Commission on this application, which is presently scheduled for 16 December 2011, will also be continued.

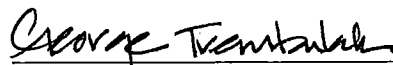
I request that the Zoning Committee continue the public hearing for this zoning file to 22 December 2011, I understand that the Planning Commission would then be scheduled to make their decision on 30 December 2011.

I am aware of and understand the statutory requirements found in Minn. Statute § 15.99 (1995) requiring the City of Saint Paul to approve or deny this application within sixty days of its submission. I desire to extend the sixty day period for a City decision under Minn. Stat. §15.99 by 15 days to 24 January 2012, to accommodate the continuance I am requesting.

Sincerely,



Signature of Applicant or  
Applicant's duly appointed  
representative.



Printed name of Applicant or  
Applicant's duly appointed  
representative.



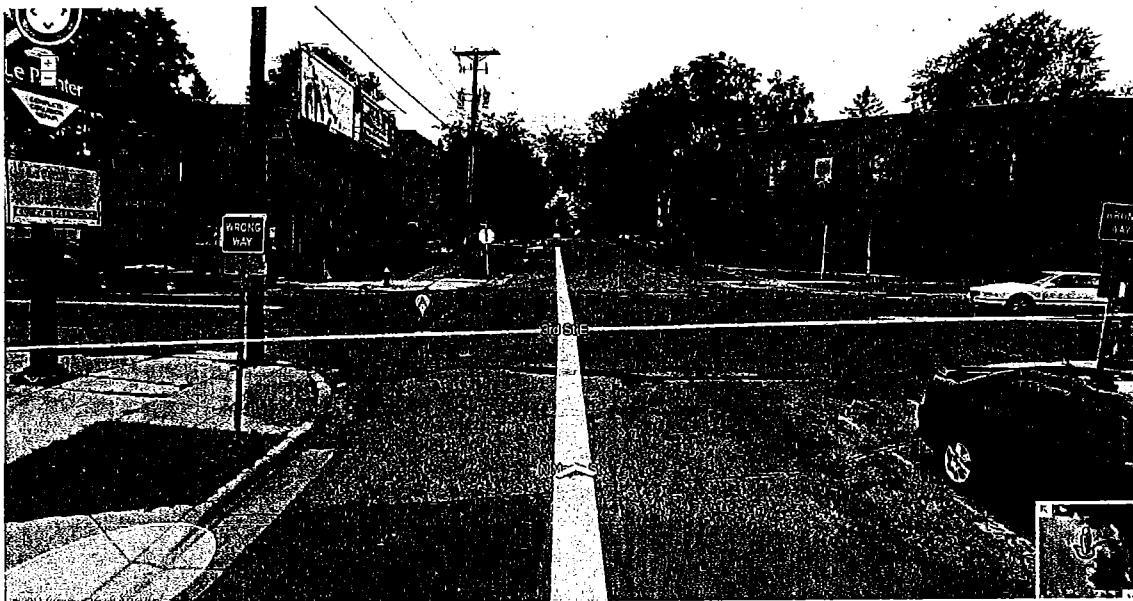
743 E 3<sup>rd</sup> Street – commercial structure



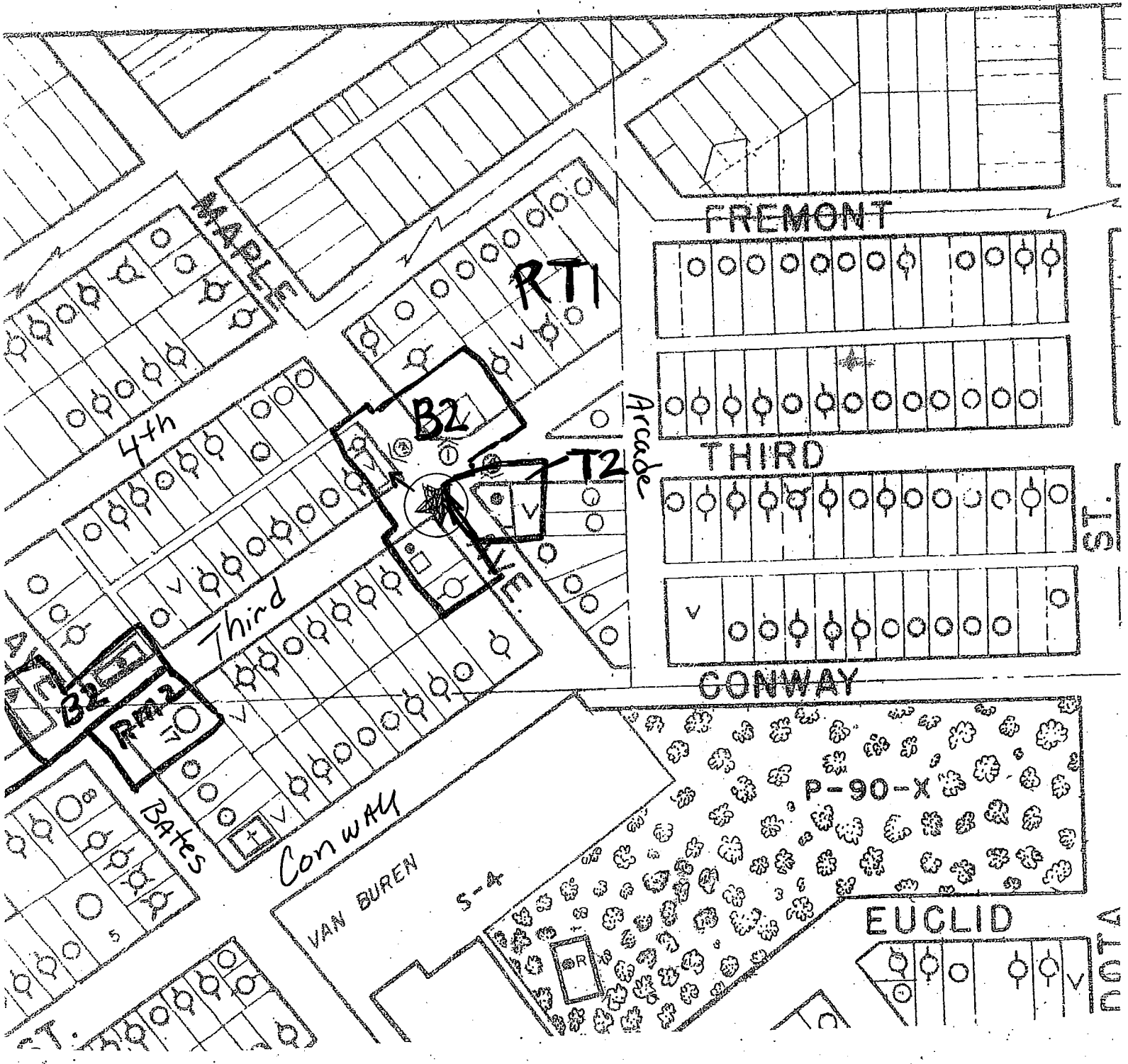
309 Maple – Residential structure



East 3<sup>rd</sup> Street and Maple – looking southeast


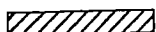








East 3<sup>rd</sup> Street and Maple – looking northwest



APPLICANT City View Apartments Inc.  
 PURPOSE REZ B2 → T2  
 FILE # 11-299652 DATE 11-14-11  
 PLNG. DIST. 4 Landuse 22  
 MAP # \_\_\_\_\_  
 Zoning: 11  
 SCALE 1" = 400'

LEGEND

-  zoning district boundary
-  subject property
-  one family
-  two family
-  multiple family
-  commercial
-  industrial
-  V vacant



## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** CityView Apartments, Inc. **FILE #** 11-308-683
  2. **APPLICANT:** City View Apartments, Inc. **HEARING DATE:** December 22, 2011
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 743 3rd St E, NW corner at Maple
  5. **PIN & LEGAL DESCRIPTION:** 322922140187, Lyman Dayton Addition Ex Alley Nely 3 50/100 Ft Of Lot 2 And All Of Lot 1 Blk 34
  6. **PLANNING DISTRICT:** 4 **PRESENT ZONING:** B2
  7. **ZONING CODE REFERENCE:** § 66.341; § 61.501
  8. **STAFF REPORT DATE:** December 14, 2011 **BY:** Sarah Zorn
  9. **DATE RECEIVED:** December 12, 2011 **60-DAY DEADLINE FOR ACTION:** February 10, 2012
- 

- A. **PURPOSE:** Conditional Use Permit for conversion of commercial storefront to residential use
- B. **PARCEL SIZE:** 36 ft. (3<sup>rd</sup> Street E) x 106.5 ft. (Maple) = 3,834 square feet
- C. **EXISTING LAND USE:** Multifamily residential
- D. **SURROUNDING LAND USE:**  
North: Single and Two-family residential (RT1)  
East: Community business (B2) and Traditional Neighborhood (T2)  
South: Single and Two-family residential (RT1)  
West: Auto service station (B2)
- E. **ZONING CODE CITATION:** §66.341 lists the required conditions in the T1-T2 traditional neighborhood districts; §61.501 lists general conditions that must be met by all conditional uses.
- F. **HISTORY/DISCUSSION:** The property became part of the Dayton's Bluff Heritage Preservation District in 1992 and is subject to the Dayton's Bluff Historic District Guidelines. There is no other zoning history specific to this property.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council had not commented at the time this staff report was prepared.
- H. **FINDINGS:**
  1. The property consists of two primary structures. One structure, facing East 3<sup>rd</sup> Street, is a two-story commercial building. The upper level has been used as a residential unit for several years. According to DSI records the lower level has been used as a residential unit within the last few years, which is not a permitted use in the B2 district. The second structure faces Maple Street and is a three-unit residential building.
  2. The applicant has applied to rezone the property from B2 to T2 for the purpose of adding a second residential unit to the first floor of the existing commercial structure (ZF#11-299-652). In the T2 district, storefronts originally designed for commercial use may not be converted to more than 50 percent residential use without a conditional use permit. In addition, the "elements of traditional storefront design, where present, must be retained" (§66.341). The applicant has made the required conditional use permit application for the proposed residential conversion.
  3. §61.501 lists five standards that all conditional uses must satisfy:
    - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is met. The Land Use Chapter's Generalized 2030 Future Land Use map designates 3<sup>rd</sup> Street as a Residential Corridor. The plan encourages the development of medium density multi-family housing along Residential Corridors (LU1.19). The District 4 plan promotes the reuse, instead of demolition of existing commercial buildings (C3).
    - (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the*

*public streets.* This condition is met. The existing ingress and egress is sufficient to serve the proposed residential conversion.

- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed conversion to residential space is in keeping with the primarily residential character of the area and will not be detrimental to the existing character of development in the immediate neighborhood nor endanger the public health, safety or general welfare.

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The use of the commercial structure as a purely residential building will not impede the normal and orderly development or improvement of the surrounding property.

- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. If the rezoning application is approved, the use will be located in a T2 district. The applicant will ensure that the use will comply with all code regulations applicable to a residential use in a commercial structure.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the conditional use permit for conversion of a commercial storefront to residential use subject to the following additional condition(s):

1. The applicant shall receive a certificate of occupancy for the commercial structure for a two-unit building;
2. The applicant shall comply with all code regulations pertaining to residential uses in commercial structures.



# CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only  
File # 11-308683  
Fee: 300.00  
Tentative Hearing Date 12-22-11  
# 322922140187

PD=4

## APPLICANT

Name City View Apartments inc.  
Address 923 Payne Ave.  
City St. Paul St. MN Zip 55106 Daytime Phone (651) 776-6021  
Name of Owner (if different) \_\_\_\_\_  
Contact Person (if different) \_\_\_\_\_ Phone \_\_\_\_\_

## PROPERTY LOCATION

Address / Location 743 E 3rd St.  
Legal Description \_\_\_\_\_  
Current Zoning B2  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 66, Section 341, Paragraph d of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

We will comply with all standards and conditions.

ck  
11821  
300.00

☐ Required site plan is attached

Applicant's Signature [Signature] Date 12-9-11 City Agent [Signature]





# PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only  
File # 11-299652  
Fee 1200.00  
Hearing Date 12-8-11

PD=4

# 322922140187

## APPLICANT

Property Owner City View Apartments, Inc.  
Address 923 Piquette Ave.  
City St. Paul St. MN Zip 55130 Daytime Phone 651-776-6021  
Contact Person (if different) George Trembulak Phone 651-276-9758

## PROPERTY LOCATION

Address / Location 743 E 3rd St.  
Legal Description See attached.  
Current Zoning B2  
(attach additional sheet if necessary)

## TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,  
City View Apartments, Inc., owner of land proposed for rezoning, hereby petitions you to  
rezone the above described property from a B2 zoning district to a T2  
zoning district, for the purpose of:

CK11731  
pdd 11-10-11

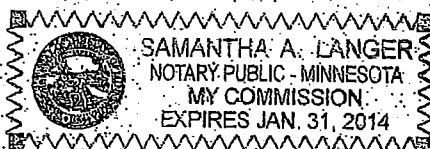
(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

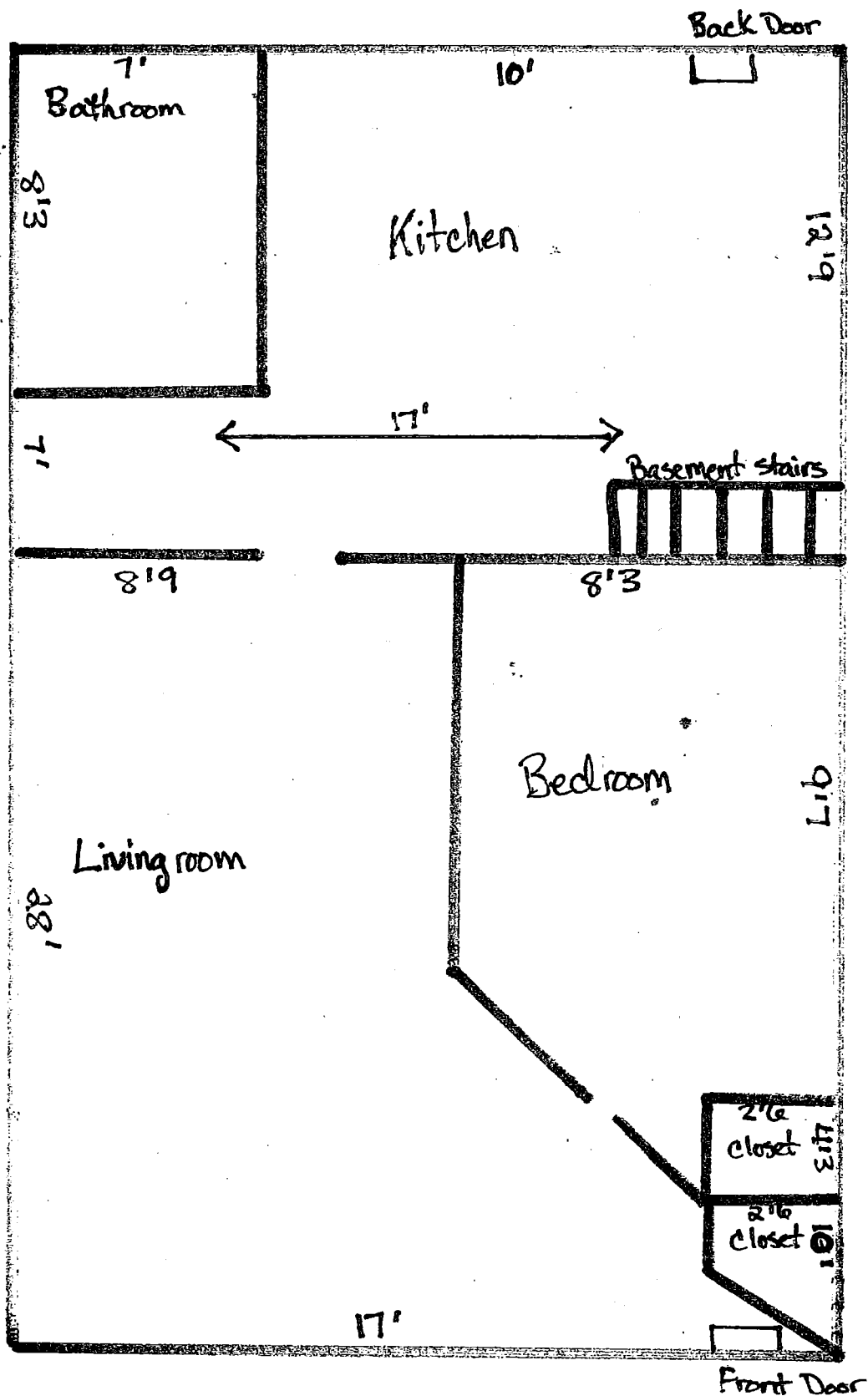
Subscribed and sworn to before me  
this 10th day  
of November, 20 11.

By: George Trembulak  
Fee Owner of Property  
Title: Property Manager

Samantha Langer  
Notary Public



# 743 E. 3rd Lower Unit





743 E 3<sup>rd</sup> Street – commercial structure



309 Maple – Residential structure



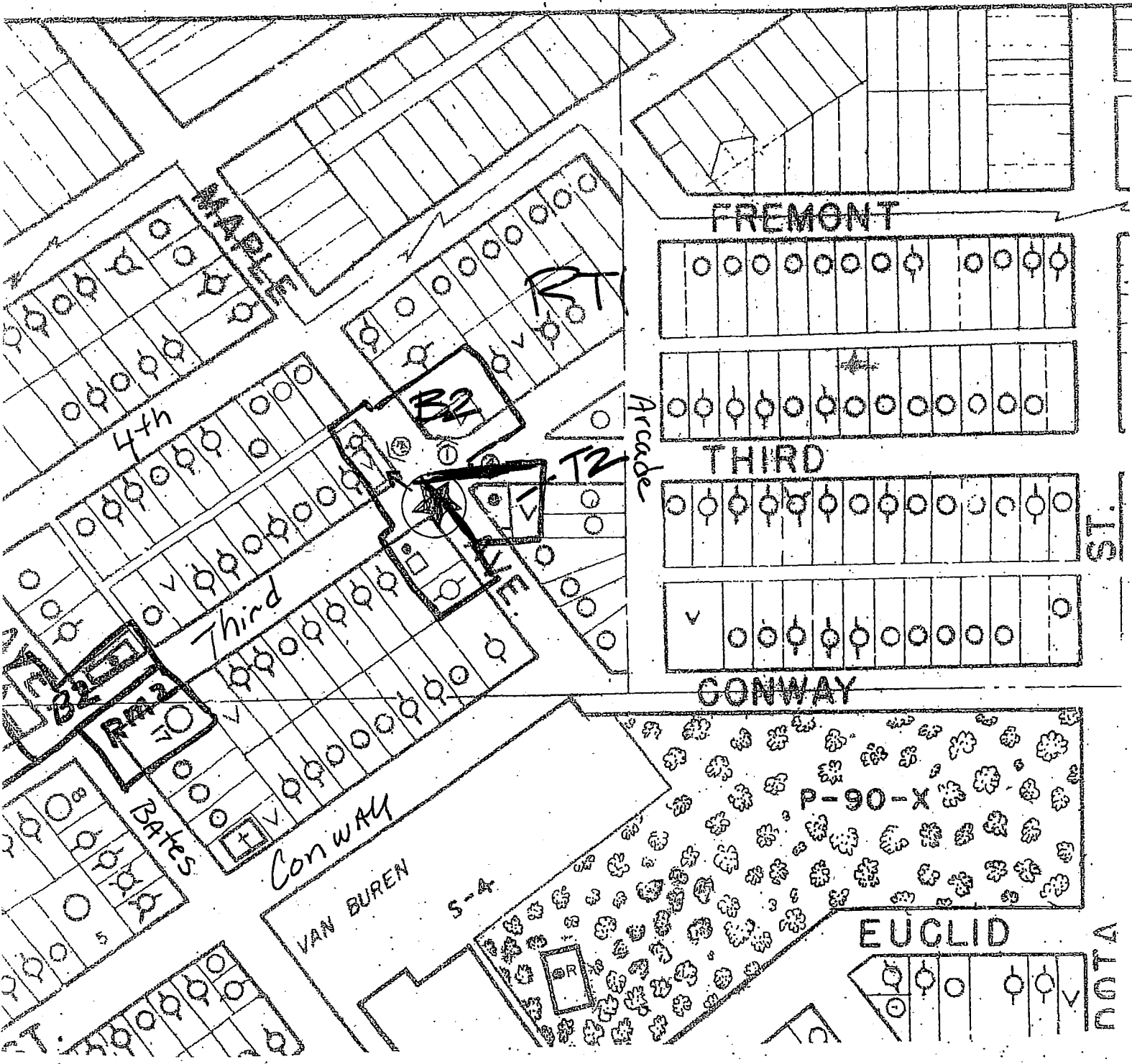
East 3<sup>rd</sup> Street and Maple – looking southeast



East 3<sup>rd</sup> Street and Maple – looking northwest



2004 photo of 743 E. 3<sup>RD</sup> ST.



APPLICANT City View Apartments Inc.

PURPOSE REZ B2 → T2

FILE # 11-299652 DATE 11-14-11

PLNG. DIST. 4 MAP # 22

SCALE 1" = 400' Zoning: 11



LEGEND

zoning district boundary

subject property

○ one family  
 ⊙ two family  
 ⊕ multiple family

north  
 ● ▲ ⊙ commercial  
 ◆ ▬ industrial  
 V vacant

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Marquette Apartments LLC **FILE #:** 11-307-389
2. **APPLICANT:** Marquette Apartments LLC **HEARING DATE:** December 22, 2011
3. **TYPE OF APPLICATION:** Rezoning - Consent
4. **LOCATION:** 204-208 Western Ave N, NE corner at Dayton
5. **PIN & LEGAL DESCRIPTION:** 012823120032; Dayton And Irvines Addition S 1/2 Of Lot 5 And Ex E 10 5/10 Ft S 1/2 Of Lot 6 Blk 80 and 012823120031; Dayton And Irvine's Addition N 1/2 Of Lot 5 And Ex E 10 5/10 Ft N 1/2 Of Lot 6 Blk 80
6. **PLANNING DISTRICT:** 8 **EXISTING ZONING:** RM2
7. **ZONING CODE REFERENCE:** §61.801(b)
8. **STAFF REPORT DATE:** December 14, 2011 **BY:** Kate Reilly
9. **DATE RECEIVED:** November 29, 2011 **60-DAY DEADLINE FOR ACTION:** January 28, 2012

- A. **PURPOSE:** Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood.
- B. **PARCEL SIZE:** Two parcels 58 ft x 134 ft each, totaling 15,402 square feet
- C. **EXISTING LAND USE:** Three-story apartment building with ground level commercial RM2
- D. **SURROUNDING LAND USE:** Multi-family dwellings to the north, east and west (RM2). Institutional use (YWCA) to the south (B2).
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner.
- F. **HISTORY/DISCUSSION:** The properties at 204 and 208 Western Avenue N were constructed in 1919 as mixed-use buildings with commercial on the first floor and apartments above. When zoning was established in the city of Saint Paul, the properties were zoned commercial. Subsequently in 1975 the area was zoned RM2 and the commercial uses became legal nonconforming uses. In 1999 the current owner purchased the properties which had a beauty salon, a legal non-conforming use, in the commercial space in the 204 building. In 2000 a Conditional Use Permit was established for the College of Visual Arts to use the commercial spaces in both 204 and 208 Western for their photography program (Zoning File #00-149427). Colleges are permitted in RM2 with a conditional use permit, which was granted. At this time the applicant has secured a tenant for the space at 204 Western Avenue N. that is a veterinary clinic. The applicant is currently marketing the space in the 208 building for commercial as well.
- G. **DISTRICT COUNCIL RECOMMENDATION:** District 8 had not responded at the time this staff report was prepared.
- H. **FINDINGS:**
  1. This application is to rezone the properties at 204 and 208 Western Avenue N from RM2 (multi-family) to T2 (traditional neighborhood) in order to permit commercial uses on the ground floor of the properties.
  2. The applicant needs to rezone the properties in order to put commercial uses in the ground floor commercial space because the previous nonconforming use (beauty salon) was replaced by a conforming use (College of Visual Arts). The zoning code states that a nonconforming use can not be resumed if replaced by a conforming use.
  3. The proposed zoning is consistent with the way this area has developed. The T2 zoning district permits a variety of residential and commercial uses. T2 zoning is designed for use in existing or potential pedestrian and transit nodes. §66.313 states the intent of the T2 traditional neighborhood district, which is to encourage a variety of

uses and housing types, with careful attention to the amount and placement of parking and transitions to adjacent residential neighborhoods. The area surrounding it features a variety of residential and commercial uses; the proposed zoning is consistent with the way this area has developed and with the historical zoning of the properties.

4. The proposed zoning is consistent with the 2030 Comprehensive Plan, Land Use Policy 1.24, *Support a mix of uses on Mixed-Use Corridors*. Selby Avenue is identified as a mixed-use corridor in the 2030 Comprehensive Plan, adopted in 2010. Selby is one block south of the site, and the Selby/Western node is mixed use in character. It is also consistent with the District 8 Plan Summary adopted in 2009, specifically Economic Development Policy 20, Encourage development that responds to the purchasing demands of neighborhood residents.
5. The proposed zoning is compatible with surrounding uses, which are multi-family residential and B2 community business. T2 permits both residential and neighborhood-oriented commercial uses, consistent with the existing mix of uses in the area.
6. The petition for rezoning was found to be sufficient on November 29, 2011: 65 parcels eligible; 44 parcels required; 44 parcels signed.

- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood for 204 and 208 N. Western Avenue.



**PETITION TO AMEND THE ZONING CODE**

Department of Planning and Economic Development  
 Zoning Section  
 1400 City Hall Annex  
 25 West Fourth Street  
 Saint Paul, MN 55102-1634  
 (651) 266-6589

Zoning office use only

File #

11-307389

Tentative Hearing Date:

PD=8 1-05-12  
12-22-11 pij

**APPLICANT**

Property Owner Marquette Apartments, LLC  
 Address 201 Western Ave N  
 City St. Paul St. mn Zip 55102 Daytime Phone 651 602 9150  
 Contact Person (if different) Brian Pergament Phone 651 485 7970

**PROPERTY LOCATION**

Address / Location 204 & 208 Western Ave N  
 Legal Description \_\_\_\_\_  
 (attach additional sheet if necessary) Current Zoning Rm2

**TO THE HONORABLE MAYOR AND CITY COUNCIL:**

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes, Marquette Apartments, LLC owner of land proposed for rezoning, hereby petitions you to rezone the above described property from a Rm2 zoning district to a T2 zoning district, for the purpose of:

Renting commercial spaces of Property to Veterinary Clinic or similar use as permitted in T2 zoning.

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan☐ Consent Petition☐ Affidavit

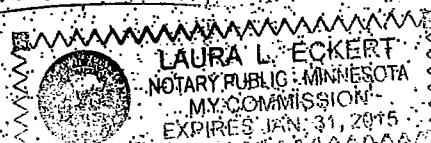
Subscribed and sworn to before me

this 22nd day  
 of November, 20 11.

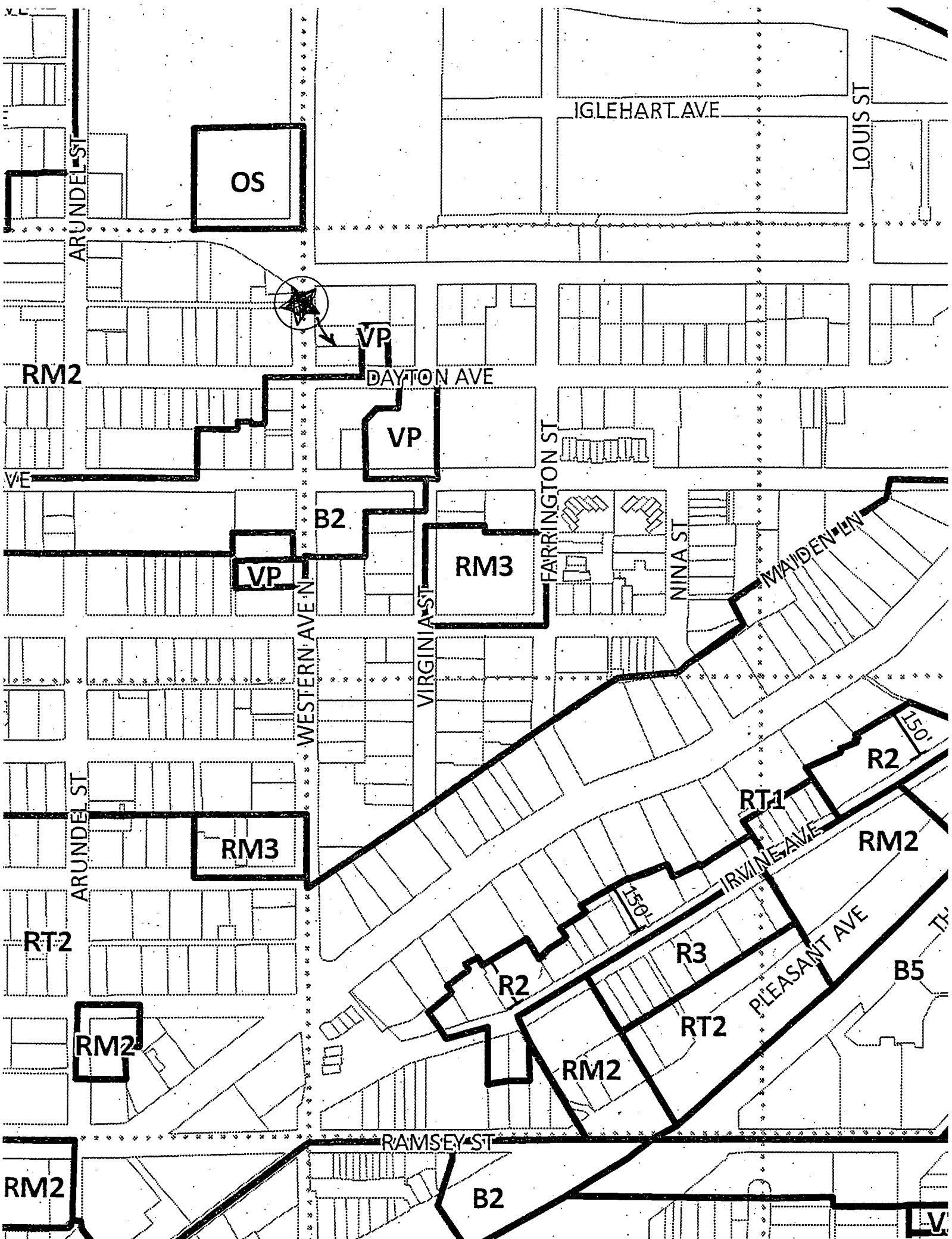
By: Marquette Apartments, LLC  
 Fee Owner of Property

Title: Owner

Notary Public



Page 1 of \_\_\_\_



OS

IGLEHART AVE

LOUIS ST

ARUNDEL ST

RM2

VP

DAYTON AVE

VP

VE

B2

VP

RM3

FARRINGTON ST

NINA ST

MAIDEN LN

WESTERN AVE

VIRGINIA ST

ARUNDEL ST

RM3

RT2

RM2

RM2

RAMSEY ST

B2

R2

RM2

R3

RT2

RT1

IRVINE AVE

RM2

PLEASANT AVE

150'

150'

B5

V.L.

# CITY OF SAINT PAUL

## AFFIDAVIT OF PETITIONER FOR A REZONING

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY )

The petitioner, Marquette Apartments, LLC, being first duly sworn, deposes and states that the consent petition contains signatures of the owners of at least two-thirds (2/3) of all eligible properties within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased, or sold by the petitioner within one (1) year preceding the date of the petition; petitioner is informed that the consent petition must contain signatures from each and all owners of jointly-owned property in order to constitute consent from that property and that failure to obtain consent from each and all owners could invalidate the consent petition; petitioner believes that the consent petition was signed by each of said owners and that the signature are the true and correct signatures of each and all of the parties so described.

[Signature]  
NAME

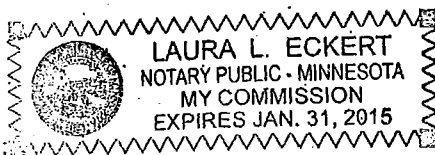
201 Western Ave. N  
ADDRESS

651 602 9150  
TELEPHONE NUMBER

Subscribed and sworn to before me this

22 day of Nov, 2011.

[Signature]  
NOTARY PUBLIC



CITY OF SAINT PAUL

AFFIDAVIT OF PERSON CIRCULATING CONSENT  
PETITION FOR A REZONING

STATE OF MINNESOTA)

SS

COUNTY OF RAMSEY)

Brian Pergament, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 16 pages; that affiant is informed and believes the parties described on the consent petition are owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all properties contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and the signatures are the true and correct signatures of each and all of the parties so described.

RECEIVED

NOV 29 2011

Per \_\_\_\_\_

NAME

ADDRESS

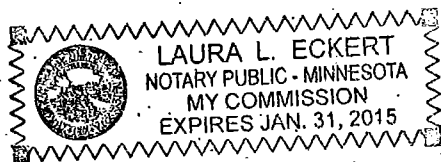
TELEPHONE NUMBER

Subscribed and sworn to before me this

22 day of NOV., 2011

Subscribed and sworn  
to before me this  
22th day of Nov. 2011

NOTARY PUBLIC



4238

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING


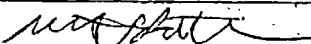
We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Wozzecha		10/28/2011
370 Marshall #404	Martin J. Rathmann		11/12/11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

RECEIVED  
NOV 29 2011  
Per \_\_\_\_\_

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marijette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a RMA zoning district to a T2 zoning district and
2. A copy of sections 6A.314 through 6A.315, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marijette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Warzacha	[Signature]	10/29/2011
01-28-23-12-0278	John P. Ryan	[Signature]	11/7/2011
01-28-23-12-0278	Nancy G. Norling	[Signature]	11/22/2011
01-28-23-12-0232	Susan Beran	[Signature]	11/28/2011

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

[illegible]

2/08



NOV 29 2011

Per

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
REZONING

1 A copy of the petition of Margarette B. Andrews, LLC  
(name of petitioner)

from a Residential zoning district to a TD zoning district and

We acknowledge that we are aware of all of the uses permitted in a TB zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, 4410 N. 12. zoning district.  
(name of petitioner)

[illegible]

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signatory of this petition may withdraw his/her name therefrom by written request within that time.



NOV 29 2011

Per \_\_\_\_\_

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

1. A copy of the petition of Margaret Apartments, LLC  
(name of petitioner)

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

[illegible]

9/08

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Mirabelle Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a RND zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Mirabelle Apartments LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-10-0082	Richard L. Wotzacha	<i>[Signature]</i>	10/28/10
370 Marshall #211 St. Paul	Shane Sondreal	<i>[Signature]</i>	11-7-11
370 Marshall #211 St. Paul	Jessica Sondreal	<i>[Signature]</i>	11/22/11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

651-602-9155

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS F REZONING


We, the undersigned, owners of the property within 100 feet of the total contiguous estate owned, purchased, or sold by THE PETITIONER within one year preceding petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections Go. 314 through Go. 345, inclusive of the Saint Paul Z

We acknowledge that we are aware of all of the uses permitted in a T2 zone are aware that any of these uses can be established upon City Council approval of t hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE
01-28-23-12-0248	Steve J Kluz Lyon R Kluz	 10-28-11

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Worecha	<i>[Signature]</i>	10/28/11
01-28-23-12-0238	John P. Foss	<i>[Signature]</i>	10/31/11
<del>Same address</del>	BARBARA J. Foss	<i>[Signature]</i>	10/31/11
105 01-28-23-12-0235	Tim MATTES	<i>[Signature]</i>	11/1/11
508 01-28-23-12-0274	Chuck Belland	<i>[Signature]</i>	11/3/11
503 01-28-23-12-0274	Dennis Reynolds	<i>[Signature]</i>	11/3/11
106 01-28-23-12-0236	Margaret Foss	<i>[Signature]</i>	11/3/11
01-28-23-12-0242 #203	Vince Lavastot	<i>[Signature]</i>	11/3/11
01-28-23-12-0284 602	Scott Robinson	<i>[Signature]</i>	11/3/11
01-28-23-12-0259 309	Dennis Robinson	<i>[Signature]</i>	11-3-11
01-28-23-12-0251 301	Julie Kump	<i>[Signature]</i>	11-3-11
01-28-23-12-0239 110	MARY JO Huth	<i>[Signature]</i>	11-3-11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 6.314 through 6.345 inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Wolzacha	<i>[Signature]</i>	10/22/2011
310 Marshall Ave #310	Ashley Shams	<i>[Signature]</i>	11/07/2011

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of \_\_\_\_\_  
(name of petitioner)  
to rezone the property located at \_\_\_\_\_  
from a \_\_\_\_\_ zoning district to a \_\_\_\_\_ zoning district and
2. A copy of sections \_\_\_\_\_ through \_\_\_\_\_ inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a \_\_\_\_\_ zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

\_\_\_\_\_ to a \_\_\_\_\_ zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
370 Marshall Ave #411			
St Paul, MN 55112	STEVEN QUAA	Steven Quaa	11-7-11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.







# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0269	Anastasia G Reiter	Ana Reiter	11/4/11
4	Gary C. Reiter		

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

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1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

#308

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
370 MARSHALL AVE	KEVIN J PENNE	Kevin Penn	11-7-11
01-28-23-12-0266	Aime Simpson	Aime Simpson	11/14/11
370 MARSHALL AVE #270	COURTNEY LIGER	Courtney Liger	11/14/11
370 Marshall Ave #410	John Jms	John Jms	11/15/11
370 Marshall Ave #401	Don Maiea	Don Maiea	11/15/11
370 MARSHALL AVE #201	ANDRE BELAND	Andre Beland	11-16-11
370 MARSHALL #504	BRIAN ANSON	Brian Anson	11-16-11
370 Marshall # 506	Debra Sherraw	Debra Sherraw	11-16-11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marquette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Worecha	<i>[Signature]</i>	10/28/2011
370 Marshall Ave. #104	Kristi Lund	<i>[Signature]</i>	11/21/2011

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
REZONING

1. A copy of the petition of Marijette Apartments, LLC  
(name of petitioner)

2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

[illegible]

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Marijette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marijette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Waracha	<i>[Signature]</i>	10/28/11
01-28-23-12-0238	John P. Foss	<i>[Signature]</i>	10/31/11
<del>SAME ADDRESS</del>	BARBARA J. FOSS	<i>[Signature]</i>	10/31/11
105 01-28-23-12-0235	JIM MATTHEWS	<i>[Signature]</i>	11/1/11
508 01-28-23-12-0279	Chuck Belland	<i>[Signature]</i>	11/3/11
503 01-28-23-12-0274	Darin Reynolds	<i>[Signature]</i>	11/3/11
106 01-28-23-12-0236	Margaret Foss	<i>[Signature]</i>	11/3/11
01-28-23-12-0242 #203	Vince Lancaster	<i>[Signature]</i>	11/3/11
1-28-23-12-0284 602	Scott Robinson	<i>[Signature]</i>	11-3-11
1-28-23-12-0259 309	Donald Anderson	<i>[Signature]</i>	11-3-11
1-28-23-12-0251 301	Julie Kemp	<i>[Signature]</i>	11-3-11
1-28-23-12-0239 110	MARY JO HUTH	<i>[Signature]</i>	11-3-11

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

9/08

*Shadeen Kimb*

*Unit 109*

*01-28-23-12-0242 #203*  
*1-28-23-12-0284 602*  
*1-28-23-12-0259 309*  
*1-28-23-12-0251 301*  
*1-28-23-12-0239 110*

# CITY OF SAINT PAUL

## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

We, the undersigned, owners of the property within 100 feet of the total contiguous description of real estate owned, purchased, or sold by THE PETITIONER within one year preceding the date of this petition acknowledge that we have been presented with the following:

1. A copy of the petition of Margyette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm-2 zoning district to a T-2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T-2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of


Margyette Apartments, LLC to a T-2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Wondrich	<i>Richard Wondrich</i>	10/28/2011
370 MARSHALL AVE #203	MARK LANCTOT	<i>Mark Lanctot</i>	11/28/2011
"	LINDA LANCTOT	<i>Linda Lanctot</i>	11/28/2011

NOTE: This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.




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
Logged in as: [brian@rentpergola.com](#) [Log Out](#)

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
Zoom:  [Compose Email](#)





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
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
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
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
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**Inbox > Message Detail**

**Subject:** Thomas Segar

**From:** tom segar <tomlee5073@yahoo.com> [\(Add as Preferred Sender\)](#)

**Date:** Tue, Nov 22, 2011 4:56 pm

**To:** "brian@rentpergola.com" <brian@rentpergola.com>

On behalf of Thomas Lee Segar, I sign the petition to allow a commercial business (Vet Clinic) on the property owned by Brian Pergament on Western Ave in St. Paul. Mr. Segar passed away on July 8, 2011. I am the legal executor of the will of the deceased.

Scott Robinson  
370 Marshall Ave #602  
St. Paul MN, 55102

Tom Segar  
[tomlee5073@yahoo.com](mailto:tomlee5073@yahoo.com)  
651-298-0892 (H)

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## CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

1. A copy of the petition of Margyette Apartments, LLC  
(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

Marquette Apartments, 46 to a T2 zoning district.  
(name of petitioner)

[illegible]

9/08

## CITY OF SAINT PAUL

### CONSENT OF ADJOINING PROPERTY OWNERS FOR A REZONING

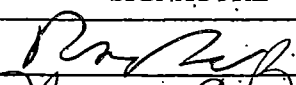
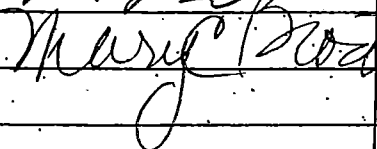
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(name of petitioner)  
to rezone the property located at 204 & 208 Western Ave N  
from a Rm2 zoning district to a T2 zoning district and
2. A copy of sections 66.314 through 66.345, inclusive of the Saint Paul Zoning Code.

We acknowledge that we are aware of all of the uses permitted in a T2 zoning district, and we are aware that any of these uses can be established upon City Council approval of the rezoning. We hereby consent to the rezoning of the property in the petition of

Marquette Apartments, LLC to a T2 zoning district.  
(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Warzecha		10/28/2011
01-28-23-12-0245	Marge Bront		11/18/11

**NOTE:** This petition shall not be considered as officially filed until the lapse of seven (7) working days after it is received by the Planning Division. Any signator of this petition may withdraw his/her name therefrom by written request within that time.

201 West Pergola mailst

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A  
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(name of petitioner)

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ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Waracha	<i>[Signature]</i>	10/28/2011
370 Marshall #311	Tamela Gronewold	<i>[Signature]</i>	10/31/11

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# CITY OF SAINT PAUL

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(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0248	Steve J Kluz Lynn v Kluz		
01-28-23-21-0316	YUCA of St Paul	X	X
01-28-23-12-0287	YUCA of St Paul	X	X
01-28-23-12-0286	Jack M. Weatherford	X Jack M. Weatherford	X Oct 28, 2011
	Margery W Pearce	Margery Walker Pearce	X Oct 28, 2011

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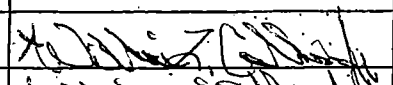
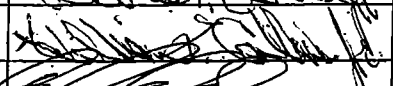

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01-28-23-21-0316	YUCA of St Paul		10/28/16
01-28-23-12-0287	YUCA of St Paul		10/28/16
01-28-23-12-0034	Regio A Home Inc		10/31/17

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(name of petitioner)

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ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
<u>01-28-23-12-0282</u>	<u>Richard L. Wrotecha</u>	<u>[Signature]</u>	<u>10/28/2011</u>
<u>370 Marshall #510</u>	<u>Marcia Miller</u>	<u>Maria Miller</u>	<u>11/3/11</u>

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(name of petitioner)

We consent to the approval of this rezoning as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0276 370 Marshall #505	John A. Messing	JAY	11/3/11
01-28-23-12-0255 370 Marshall Ave #305	Tracy Wasselman	Tracy Wasselman	11/3/11
01-28-23-21-0022	Pergola Investments, LLC	BID	11/20/11

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## CITY OF SAINT PAUL

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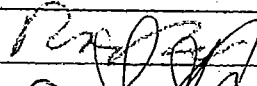
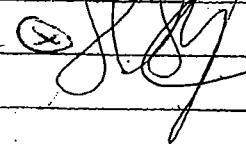
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ADDRESS OR PIN #	RECORD OWNER	SIGNATURE	DATE
01-28-23-12-0282	Richard L. Worecha		10/28/2011
01-28-23-12-0273	Sarah E. Shetlbine		

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# ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

CUP

NCUP

## FIRST SUBMITTED

DATE PETITION SUBMITTED: 11-23-11

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

## RESUBMITTED

DATE PETITION RESUBMITTED: 11-29-11

DATE OFFICIALLY RECEIVED: \_\_\_\_\_

PARCELS ELIGIBLE:

65

PARCELS REQUIRED:

44

PARCELS SIGNED:

37

PARCELS ELIGIBLE:

65

PARCELS REQUIRED:

44

PARCELS SIGNED:

44

CHECKED BY: Paul Dabruel

DATE: 11-23-11



Address **207 Western Avenue North**

Address is approximate

**Save trees. Go green!**

Download Google Maps on your  
phone at [google.com/gmm](http://google.com/gmm)

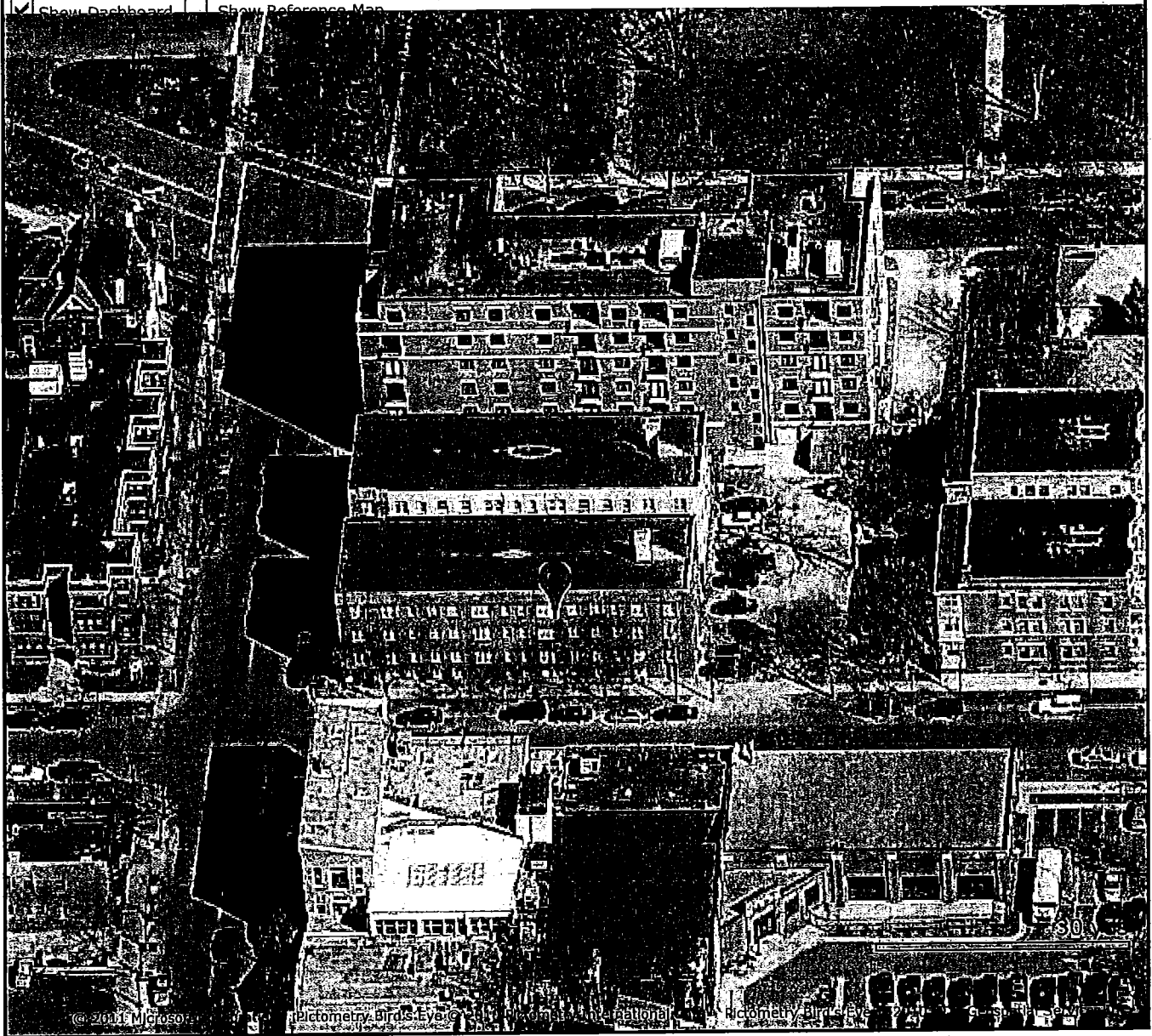


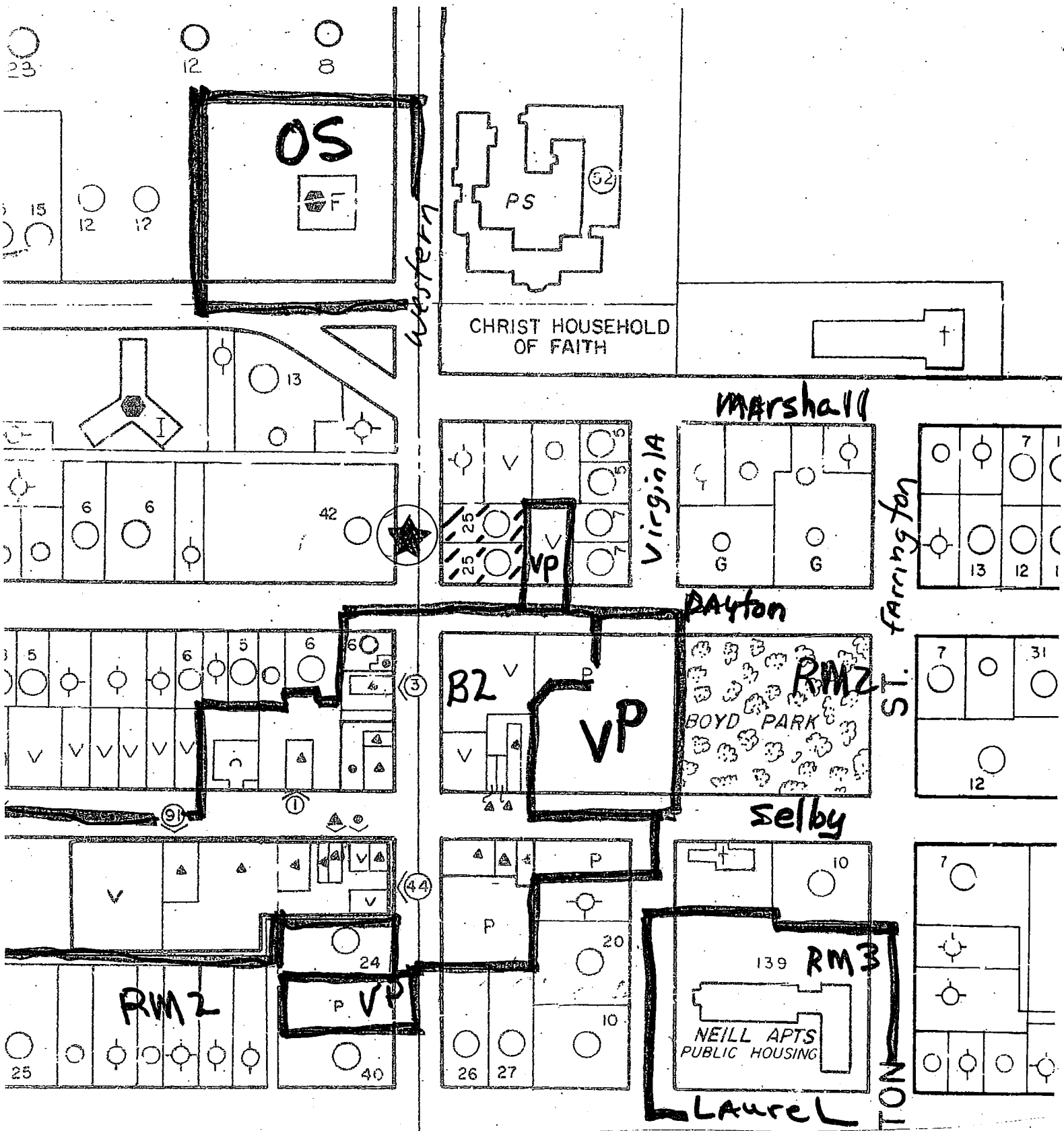
© 2011 Google

# GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☐ Show Reference Map





APPLICANT Marguette Apartments LLC

PURPOSE REZ RM2 → T2

FILE # 11-307389 DATE 12-7-11

PLNG. DIST. 8 MAP # 20114 15

in use 2011

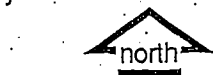
LEGEND

zoning district boundary

subject property

one family

two family



commercial

industrial

## ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Metropolitan State University **FILE #** 11-310-568
  2. **APPLICANT:** Metropolitan State University **HEARING DATE:** January 5, 2012
  3. **TYPE OF APPLICATION:** Conditional Use Permit
  4. **LOCATION:** 645 7th St E, between Maria and Mounds
  5. **PIN & LEGAL DESCRIPTION:** 322922130131, Auditors Subdivision No 73 Part Of The Se 1/4 Of Nw 1/4 Lying Nly Of Vac Culvert St And Sly Of The Center Line Of Vac E 8th St And Ely Of And Par To The Centerline Of Sewer Esmt As Recorded In Blk 50 Of Plans Pg 2 In Sec 32 Tn 29 Rn 22 And Vac Culvert St
  6. **PLANNING DISTRICT:** 4
  7. **ZONING CODE REFERENCE:** § 61.501; §61.502; §65.310 **PRESENT ZONING:** B2
  8. **STAFF REPORT DATE:** December 21, 2011 **BY:** Kate Reilly
  9. **DATE RECEIVED:** December 15, 2011 **60-DAY DEADLINE FOR ACTION:** February 13, 2012
- 

- A. **PURPOSE:** Conditional use permit for a wind turbine on a freestanding pole 104 feet high
- B. **PARCEL SIZE:** Irregular parcel 112 ft x 291 ft x 329 ft x 134 ft x 162 ft x 191 ft x 699 ft, totaling approximately 194,278 sq. ft.
- C. **EXISTING LAND USE:** Institutional Zoned B2& B3
- D. **SURROUNDING LAND USE:**
  - North: Residential (RT1)
  - East: Residential/Commercial (T2 and RT1)
  - South: College (B2)
  - West: Residential (RM2)
- E. **ZONING CODE CITATION:** §61.501 lists general conditions that must be met by all conditional uses; §65.310 cites specific standards and conditions for a cellular telephone antenna on a free-standing pole on institutional use property; §61.502 allows the planning commission to modify any and all special conditions.
- F. **HISTORY/DISCUSSION:** Metropolitan State University (MSU) is proposing to install a 20-kilowatt wind turbine on campus. A determination of similar use/conditional use permit was granted to Macalester College for a 10 kW, 102 foot high, free-standing wind turbine on its campus for a test period in 2002 (Z.F. # 02-236-646) and permanently in 2005 based on noise monitoring during the test period (Z.F. # 05-085-530). In addition, a determination of similar use for three building-mounted and one pole-mounted wind turbines was granted to Tony Magnotta (Capitol Lien and Title) on June 24, 2011 (Z. F. # 11-129965). On April 15, 2011, the planning commission initiated a zoning study to consider amendments to the zoning code pertaining to wind turbines that will address issues specific to wind turbines and conditions under which wind turbines would be permitted in various zoning districts. This study continues.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 4 Council supports the installation of a wind turbine at Metropolitan State.
- H. **FINDINGS:**
  1. Metropolitan State University is proposing to install a 20-kilowatt wind turbine on campus to the west of its Library and Learning Center building, located northeast of the intersection of East 7th Street and Mounds Boulevard. The wind turbine will consist of a monopole 104 feet in height to the propeller hub, and a three-blade propeller 32 feet in diameter (16 foot blades), for a total height of 120 feet. The wind turbine will be used for research of alternative energy generation.
  2. §61.501 lists five standards that all conditional uses must satisfy:
    - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council. This condition is met. As described on page 7 of the*

introduction section of the Saint Paul Comprehensive Plan (2010), environmental sustainability is one of the three overarching themes of the Plan, which means "buildings, open spaces, and infrastructure are designed with attention to ecological systems and a light environmental footprint, and buildings are rehabilitated and constructed with reused and renewable materials and utilize technologies that are energy efficient and promote conservation."

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.* This condition is met. The proposed use will generate minimal traffic.
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.* This condition is met. The proposed use is on a college campus and its appearance will be similar to a nearby antenna.
- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.* This condition is met. The wind turbine is on a college campus and is set back 134 feet from the nearest property line and approximately 500 feet from the nearest residence. It should not impede the normal and orderly development and improvement of the surrounding property
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.* This condition is met. The use conforms to the applicable regulations of the B2 community business zoning district, which permits cellular telephone antennas as an accessory use with a conditional use permit. A wind turbine on a free-standing monopole was determined to be similar to cellular telephone antennas on free-standing poles on institutional use property in Z.F. # 02-236-646 and Z.F. # 05-085-530.

3. *Section 65.310 permits cellular telephone antennas located on a freestanding pole on institutional use property subject to several conditions. The conditions that might also be applicable to a wind turbine are as follows:*

- (a) *In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high. This condition is met. The proposed wind turbine will be constructed on a freestanding pole.*
- (c) *For antennas proposed to be located on a residential structure less than sixty (60) feet high in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (½) mile radius of the proposed antennas due to one (1) or more of the following reasons:*
  - 1. *The planned equipment would exceed the structural capacity of the existing pole or structure.* This condition is met. Existing poles and structures in the area do not meet the required foundation specifications for the wind turbine due to vibration transmission into the structure.
- (d) *In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*



1. *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas. This condition is met. The proposed freestanding pole will be 104 feet in height. The wind turbine manufacturer stated that this tower height is necessary to overcome the turbulence generated by obstacles and trees on the ground and for the turbine to generate electricity, and therefore the seventy-five foot pole is impractical.*
2. *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure. This condition is met. The proposed wind turbine will not be located in a required front or side yard and its proposed location is set back 134 feet from the nearest property line, and approximately 500 feet from the nearest residential property.*
3. *The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision. This condition is met. The propeller blades will be located on a galvanized pole to match existing light poles.*
4. *In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area. This condition is met. The parcel is 4.46 acres and the MSU campus is over 14 acres in size.*
- (g) *Freestanding poles shall be a monopole design. This condition is met. The proposed wind turbine is a monopole design.*
- (h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate. This condition is met. Conduit from the proposed wind turbine will be trenched to the existing Library and Learning Center Building.*

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Conditional use permit for a wind turbine on a freestanding pole 104 feet high.

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development  
Zoning Section  
1400 City Hall Annex  
25 West Fourth Street  
Saint Paul, MN 55102-1634  
(651) 266-6589

Zoning office use only

File # 11-310568Fee: 800.00

Tentative Hearing Date:

1-5-12

PD=4

# 322922130131

**APPLICANT**Name Metropolitan State UniversityAddress 700 East Seventh StreetCity St. Paul St. MN Zip 55106 Daytime Phone 651-793-1300

Name of Owner (if different) \_\_\_\_\_

Contact Person (if different) Daniel Hambrock, Assistant Vice President Phone 651-793-1712**PROPERTY  
LOCATION**Address / Location Metropolitan State University 700 E 7th Street, St. Paul, MN 55106Legal Description See Attached.Current Zoning B2 - Community Business  
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of  
Chapter 65, Section 300, Paragraph 10 of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

The following supporting information is attached:

- Project Description and Explanation of Zoning Conditions Met
- Legal Description
- Site Plan

The following additional information is also attached:

- Site Rendering
- Final Turbine Site
- FAA Determination of No Hazard
- MnDOT Aeronautics Permit
- Support Letters

☒ Required site plan is attachedCK  
055765  
800<sup>00</sup>

Applicant's Signature

D. L. Hambrock

Date

12/15/11

City Agent

pd

D. L. HAMBROCK

12-15-11

## DESCRIPTION OF PROPOSED USE

Metropolitan State University (MSU) is proposing to install a 20-kilowatt wind turbine on campus to the west of its Library and Learning Center building located north east of the intersection of East 7<sup>th</sup> Street and Mounds Boulevard.

In 2007, Innovation Power Systems (IPS) prepared a feasibility study to evaluate the economic and technical viability of using wind and solar power as renewable energy on the MSU campus. When a decision was made to place additional external lighting on the MSU campus, Xcel Energy offered to fund the lighting project if a wind turbine was included to offset the electrical load created by the additional lighting. MSU will install the wind turbine in conjunction with Xcel Energy and IPS.

The wind turbine will consist of a monopole of 104 feet in height to the propeller hub, and a three-blade propeller 32 feet in diameter (16 foot blades), for a total height of 120 feet. The wind turbine will be used for research of alternative energy generation.

## DESCRIPTION OF HOW THE CONDITIONS OF THE ZONING CODE WILL BE MET

A site plan of the proposed use is attached.

*Section 61.501 of the zoning code requires that before the planning commission may grant approval of a conditional use, the commission shall find that:*

- (a) The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.*

This condition is met. As described on page 7 of the introduction section of the Saint Paul Comprehensive Plan (2010), environmental sustainability is one of the three overarching themes of the Plan which means buildings, open spaces, and infrastructure are designed with attention to ecological systems and a light environmental footprint and buildings are rehabilitated and constructed with reused and renewable materials and utilize technologies that are energy efficient and promote conservation.

- (b) The use will provide adequate ingress and egress to minimize traffic congestion in the public streets.*

This condition is met. The proposed use will generate minimal traffic.

- (c) The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare.*

This condition is met. The proposed use is on a college campus and its appearance will be similar to a nearby antenna.

- (d) The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

This condition is met. The wind turbine is set back 134 feet from the nearest property line and approximately 500 feet from the nearest residence. It should not impede the normal and orderly development and improvement of the surrounding property.

- (e) The use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

This condition is met. The use conforms to the applicable regulations of the community business zoning district.

*Section 61.106 of the zoning code states that when a specific use is not listed in the zoning code, the zoning administrator shall issue a statement of clarification, finding that the use is or is not substantially similar in character and impact to a use regulated in the code. The zoning administrator or planning commission shall make the following findings in determining one (1) use is similar to another:*

- (a) That the use is similar in character to one (1) or more of the principal uses permitted.*

The condition is met. Wind turbines are not specifically covered under the zoning code, but they are similar to cellular telephone antennas located on a freestanding pole on institutional use property which is a use permitted subject to special conditions in residentially-zoned properties under Section 65.310.

- (b) That the traffic generated by such use is similar to one (1) or more of the principal uses permitted.*

This condition is met. The traffic generated by the wind turbine would be similar to the minimal traffic generated by a cellular telephone antenna.

- (c) That the use is not first permitted in a less restrictive zoning district.*

This condition is met. The code does not have specific provisions for a wind turbine.

- (d) That the use is consistent with the comprehensive plan.*

This condition is met. As described on page 7 of the introduction section of the Saint Paul Comprehensive Plan (2010), environmental sustainability is one of the three overarching themes of the Plan which means buildings, open spaces, and infrastructure are designed with attention to ecological systems and a light environmental footprint and buildings are rehabilitated and constructed with reused and renewable materials and utilize technologies that are energy efficient and promote conservation.

*Section 65.310 permits cellular telephone antennas located on a freestanding pole on institutional use property subject to several conditions. The conditions that might also be applicable to a wind turbine are as follows:*

- (a) In residential districts, a conditional use permit is required for cellular telephone antennas on a residential structure less than sixty (60) feet high. In residential, traditional neighborhood and business districts, a conditional use permit is required for cellular telephone antennas on a freestanding pole, except for existing utility poles. In residential and traditional neighborhood districts, existing utility poles to which cellular telephone antennas are attached shall be at least sixty (60) feet high.*

This condition is met. The proposed wind turbine will be constructed on a freestanding pole.

- (b) In residential, traditional neighborhood, and OS—B3 and B5 business districts, the antennas shall not extend more than fifteen (15) feet above the structural height of the structure to which they are attached. In B4 business and industrial districts, the antennas shall not extend more than forty (40) feet above the structural height of the structure to which they are attached.*

This condition is met. The proposed wind turbine will not be attached to a structure.

(c) *For antennas proposed to be located on a residential structure less than sixty (60) feet high in residential districts, or on a new freestanding pole in residential, traditional neighborhood, and business districts, the applicant shall demonstrate that the proposed antennas cannot be accommodated on an existing freestanding pole, an existing residential structure at least sixty (60) feet high, an existing institutional use structure, or a business building within one-half (1/2) mile radius of the proposed antennas due to one (1) or more of the following reasons:*

1. *The planned equipment would exceed the structural capacity of the existing pole or structure.*

This condition is met. Existing poles and structures in the area do not meet the required foundation specifications for the wind turbine due to vibration transmission into the structure.

2. *The planned equipment would cause interference with other existing or planned equipment on the pole or structure.*
3. *The planned equipment cannot be accommodated at a height necessary to function reasonably.*
4. *The owner of the existing pole, structure or building is unwilling to co-locate an antenna.*

(d) *In residential, traditional neighborhood and business districts, cellular telephone antennas to be located on a new freestanding pole are subject to the following standards and conditions:*

1. *The freestanding pole shall not exceed seventy-five (75) feet in height, unless the applicant demonstrates that the surrounding topography, structures, or vegetation renders a seventy-five-foot pole impractical. Freestanding poles may exceed the above height limit by twenty-five (25) feet if the pole is designed to carry two (2) antennas.*

This condition is met. The proposed freestanding pole will be 120 feet in height with three propeller blades. The wind turbine manufacturer stated that this tower height is necessary to overcome the turbulence generated by obstacles and trees on the ground.

2. *Antennas shall not be located in a required front or side yard and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.*

This condition is met. The proposed wind turbine will not be located in a required front or side yard and its proposed location is set back 134 feet from the nearest property line, and approximately 500 feet from the nearest residential property.

3. *The antennas shall be designed where possible to blend into the surrounding environment through the use of color and camouflaging architectural treatment. Drawings or photographic perspectives showing the pole and antennas shall be provided to the planning commission to determine compliance with this provision.*

This condition is met. The propeller blades will be located on a galvanized pole to match existing light poles.

4. *In residential and traditional neighborhood districts, the pole shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the*

*pole is located shall be within contiguous property with OS or less restrictive zoning at least one (1) acre in area.*

This condition is met. The MSU campus is over 14 acres in size.

- (e) *In industrial districts, cellular telephone antennas on a freestanding pole shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one (1) times the height of the antenna plus ten (10) feet from the nearest residential structure.*

This condition is not applicable. The proposed wind turbine is not located within an industrial district.

- (f) *Antennas located in historic districts shall be subject to review and approval of the heritage preservation commission.*

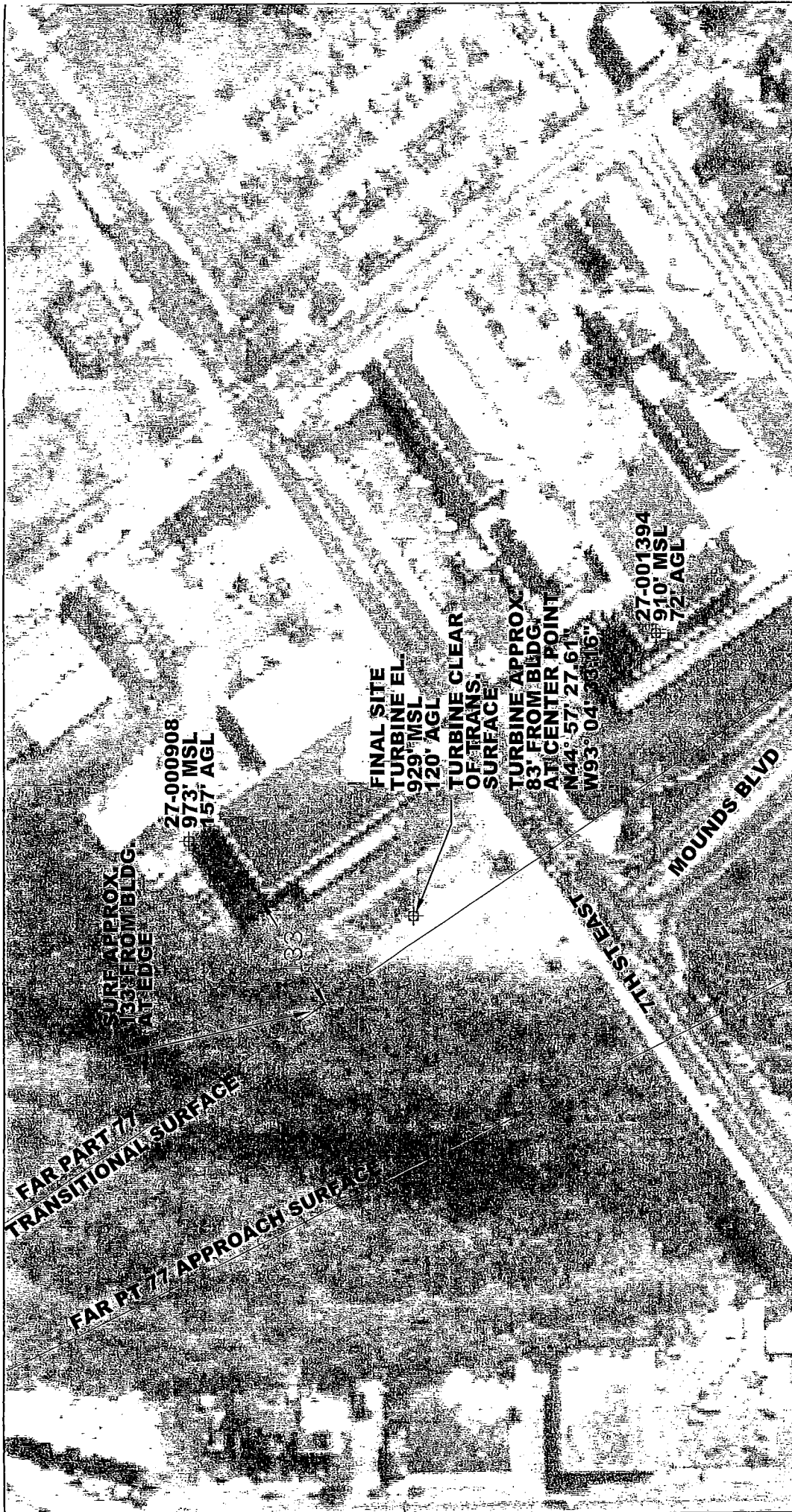
This condition is not applicable. The proposed wind turbine is not located within a historic district.

- (g) *Freestanding poles shall be a monopole design.*


This condition is met. The proposed wind turbine is a monopole design.

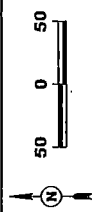
- (h) *Transmitting, receiving and switching equipment shall be housed within an existing structure whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building, section 63.500, and screened from view by landscaping where appropriate.*

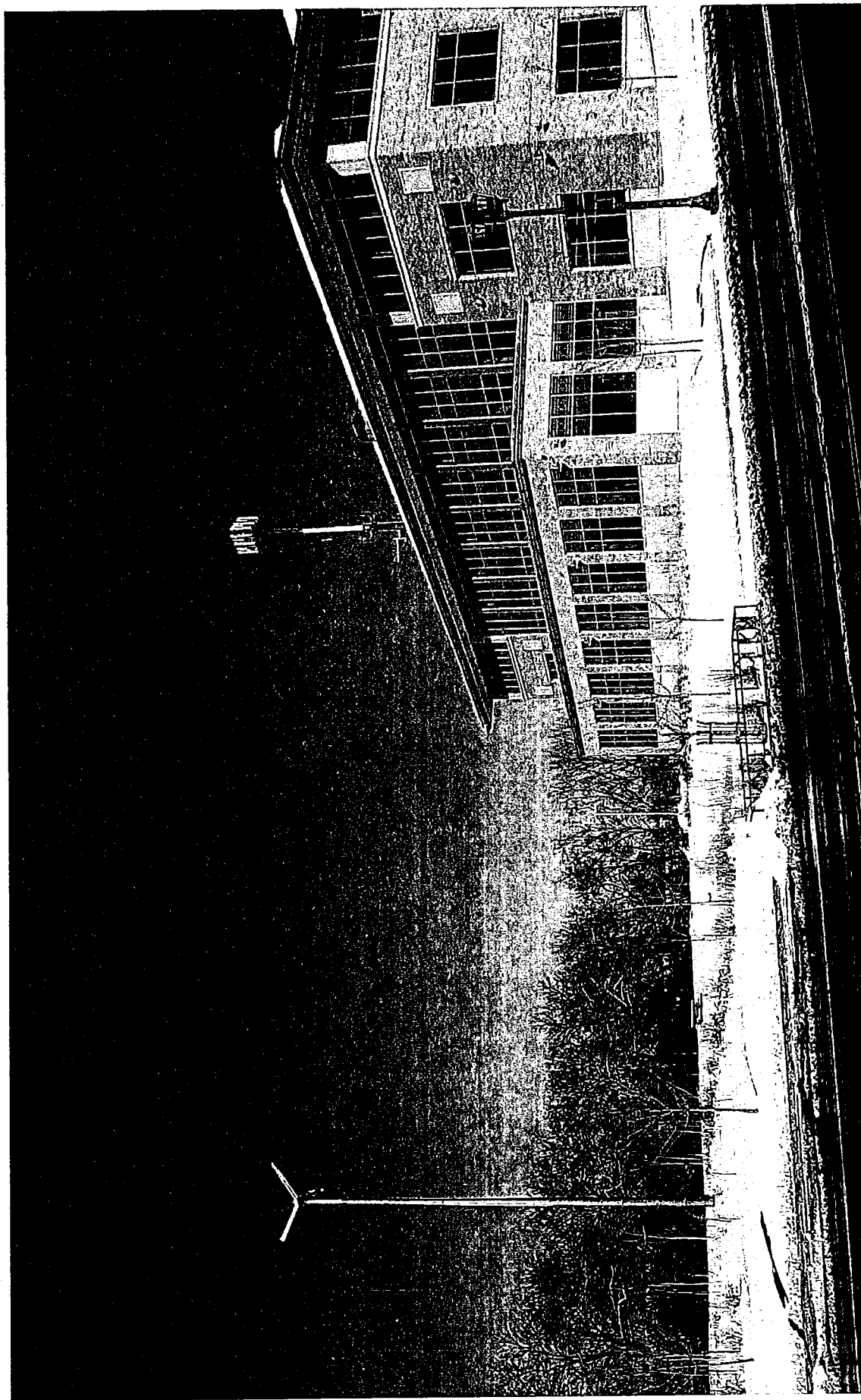
This condition is met. Conduit from the proposed wind turbine will be trenched to the existing Library and Learning Center Building.



1. FAA DIGITAL OBSTRUCTION FILE DATED AUG. 2009.  
 2. DIMENSION FROM BUILDING BASED ON IMAGERY AND REPRESENTS AN APPROXIMATE VALUE.  
 3. FINAL LOCATION BASED ON MNDOT WORKING MEETING ANALYSIS ON 10/11/10.  
 4. FINAL COORDINATE SURVEYED BY WESTWOOD PROFESSIONAL SERVICES.

DWN BY:	RMV	DATE:	10/11/10	 VMC LLC 11508 ARNOLD PALMER DRIVE MINNEAPOLIS, MN 55449 612-818-7230	FINAL TURBINE LOCATION METRO STATE UNIVERSITY	EXHIBIT
CHK BY:		DATE:				





Metropolitan State University  
Renewable Energy Feasibility Study  
Barbour LaDouceur Design Group & Innovative Power Systems



6. Wind Turbine







**Minnesota Department of Transportation**

**Office of Aeronautics**

222 Plato Blvd. East  
Saint Paul, MN 55107

Fax: 651-234-7261

Office: 651-234-7200

July 26, 2010

Dan Hambrock  
Metropolitan State University  
700 East Seventh Street  
St. Paul, MN 55106-5000

Re: Application for Permit for Small Turbine Project at Metropolitan State University (Saint Paul Campus)

Dear Mr. Hambrock:

The Minnesota Department of Transportation hereby issues a conditional permit for the erection of a small wind turbine at Metropolitan State University as requested in your letter dated June 16, 2010. This permit is for a small wind turbine to be erected at: 44°57'27.57"N and 93°04'33.24"W, with a maximum height limit of 120 feet above ground level and 929 feet above mean sea level. Because this tower is being erected in close proximity to the St. Paul Downtown Airport and specifically in close proximity to the approach and transitional surfaces to Runway 14, we want to inspect the site after it has been staked for construction. Once the location is verified to be outside of the transitional surface we will issue a final permit for the construction of the wind turbine.

Please contact Darlene Dahlseide once the site has been staked to arrange for the pre-construction inspection. We should be able to complete the inspection and issue the final permit within two days. Once the tower has been constructed we will perform a final inspection to ensure that you have complied with the terms of the permit.

Sincerely,

Christopher Roy

Director, Office of Aeronautics

Cc: Mr. Greg Fries, St. Paul Downtown Airport, 644 Bayfield St., St. Paul, MN 55107  
Mr. Pat Mosites, Metropolitan Airports Commission

An Equal Opportunity Employer





Federal Aviation Administration  
Air Traffic Airspace Branch, ASW-520  
2601 Meacham Blvd.  
Fort Worth, TX 76137-0520

Aeronautical Study No.  
2008-WTE-941-OE

Issued Date: 04/26/2010

Dan Hambrock  
Metro State University  
700 East Seventh Street  
Saint Paul, MN 55106-5000

**\*\* Extension \*\***

A Determination was issued by the Federal Aviation Administration (FAA) concerning:

Structure:	Wind Turbine Metro Turbine
Location:	Saint Paul, MN
Latitude:	44-57-27.36N NAD 83
Longitude:	93-04-33.69W
Heights:	120 feet above ground level (AGL) 929 feet above mean sea level (AMSL)

In response to your request for an extension of the effective period of the determination, the FAA has reviewed the aeronautical study in light of current aeronautical operations in the area of the structure and finds that no significant aeronautical changes have occurred which would alter the determination issued for this structure.

This extension is subject to review if an interested party files a petition on or before May 26, 2010. In the event a petition for review is filed, it must contain a full statement of the basis upon which it is made and should be submitted in triplicate to the Manager, Airspace Branch, Federal Aviation Administration, 800 Independence Ave SW, Washington, D.C. 20591.

This extension becomes final on June 05, 2010 unless a petition is timely filed. If so, this extension will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

Accordingly, pursuant to the authority delegated to me, the effective period of the determination issued under the above cited aeronautical study number is hereby extended and will expire on 04/26/2012 unless otherwise extended, revised, or terminated by this office.

This extension issued in accordance with 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerns the effect of the structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (404) 305-7081. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-WTE-941-OE.



# Audubon MINNESOTA

July 31, 2008

TO: Ralph Jacobson  
RE: Wind Generator at Metro State

Dear Mr. Jacobson;

Thank you for taking the time to bring to my attention the plans to install one wind generator at Metro State University in St. Paul. Since Metro State University is located just outside the Mississippi River-Twin Cities Important Bird Area and next to Swede Hollow Park there is the potential for significant bird movement through the area.

After reviewing the site plans with you, discussing this location with others knowledgeable about the birds in the area, and visiting the site last week, I have come to the conclusion that the area where the generator is proposed to be located should not pose a hazard to local or migratory birds. However, it should be noted that without actually monitoring the site it is impossible to say with certainty that this is the case.

The Mississippi River is an internationally important bird migration corridor and the protection of its habitats and birds is of the highest priority to Audubon Minnesota. At the same time we support the use of renewable and carbon free power sources such as wind generators. Assuming the use of bird-friendly best practices in design and construction I see no reason why this structure should pose a hazard to migratory birds. If siting or other circumstances change I would appreciate a chance to review those plans.

Thank you for your interest in protecting migratory birds.

Sincerely,

Mark Martell  
Director of Bird Conservation  
mmartell@audubon.org



# Dayton's Bluff District 4 Community Council

798 E. 7th Street, Saint Paul, MN 55106 • Phone 651-772-2075 • Fax 651-774-3510

Visit our web site at [www.daytonsbluff.org](http://www.daytonsbluff.org)

January 13, 2009

Innovative Power Systems  
Ralph Jacobson  
1153 16<sup>th</sup> Ave SE  
Minneapolis MN 55414

Dear Mr. Jacobson;

Thank you for presenting your plans to install a 20 kilowatt wind generator on a 100-foot tower at Metropolitan State University (Metro State) in Saint Paul. Metro State is located on the crest of Dayton's Bluff, acting as a very visible gateway to the neighborhood from the downtown area.

After reviewing the site plans with you, we have come to the conclusion that the area where the generator is proposed to be located will not conflict with other neighborhood needs and activities. At the same time we support the use of renewable and carbon free power sources such as wind generators.

Therefore, the Dayton's Bluff Community Council board of directors gave its unanimous support to the installation of a wind project at Metropolitan State University. If you need more information please call me at 651-772-2075.

Sincerely,

Karin DuPaul  
Community Organizer



*Creating a sense of place and a place that makes sense*





# INNOVATIVE POWER SYSTEMS

Renewable Energy Design & Installation

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13 March, 2009

Paul DuBruiel, City Planning  
City of Saint Paul, Minnesota

Mr. DuBruiel:

I am writing on behalf of Metro State University to request that the Saint Paul Planning and Zoning Commission grant a variance on the 75-foot height restriction for towers, so that Metro State may install a wind generator on a 100-foot tower. This variance is necessitated by the requirement for a wind machine to be higher than the turbulence created by surrounding objects (such as trees and buildings), in order to perform adequately. The "rule of thumb" here, is that the hub of the machine should be 30 feet higher than anything within a quarter of a mile. [Please see the attached drawing.]

However, there is a 160-foot telecom tower a couple hundred feet to the northeast, so we recognize that strict adherence to the rule of thumb in all directions is not practical in this case. The dominant wind directions are from the west and the north, and so the bluff site itself has a favorable aspect for catching a reasonable amount of wind energy from those two directions. Hence, our interest here is only on the tree line immediately to the west of our intended wind tower location. The trees have the potential to grow to a height range of 60 to 70 feet, and thus we will need to set the hub height of the wind machine at 104 feet. This means that the top of the "swept area" of the blades will be 120 feet above grade.

Please consider our request in light of the fact that we have received the unanimous endorsement of the District Four community council, the Audobon Society, and the National Park Service, as well as the approval of the FAA.

Thank you for your consideration of this request.

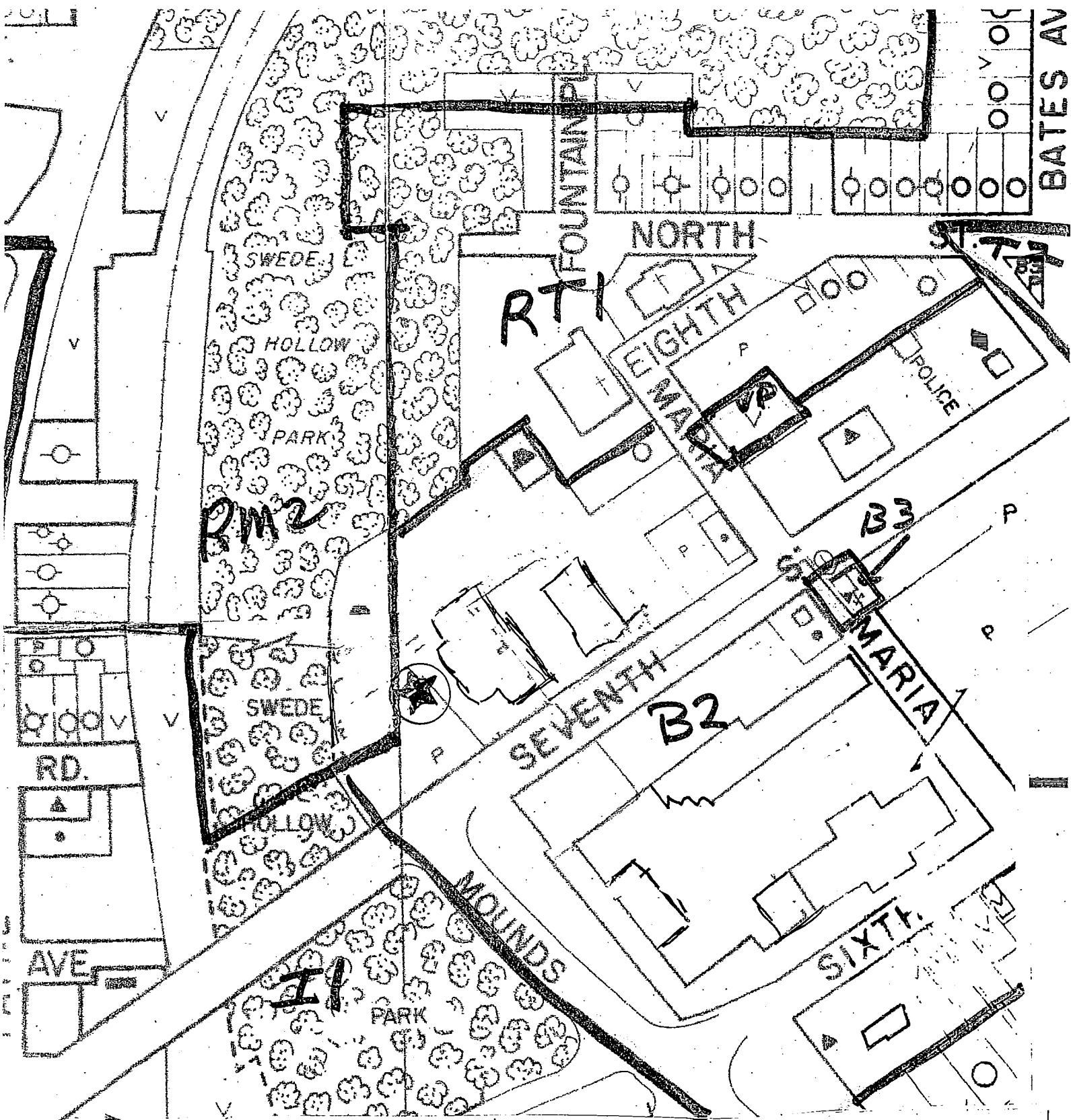
Sincerely,

Ralph Jacobson, President  
Innovative Power Systems, Inc.

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1153 Sixteenth Ave SE  
Minneapolis, MN 55414  
ph: 612.623.3246 • fax: 612.623.4041

[www.ips-solar.com](http://www.ips-solar.com)  
e-mail: [info@ips-solar.com](mailto:info@ips-solar.com)  
MN GC License # 20101407



APPLICANT Metropolitan State U  
 PURPOSE Conditional Use  
 FILE # 11-310568 DATE 12-19-11  
 PLNG. DIST. 4 MAP # 22, 14, 13  
 SCALE 1" = 400' 20mm 10

LEGEND

zoning district boundary

subject property

one family  
 two family  
 multiple family



commercial  
 industrial  
 V vacant

